



DOCKET NO.: JANB-0002/JAB-1442

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Frans Eduard Janssens et al.

Application No.: 09/868,535

Filing Date: July 26, 2001

For: ANTIHISTAMINIC SPIRO COMPOUNDS

Confirmation No.: 3436

Group Art Unit: 1624

Examiner: Coleman, Brenda Libby

EXPRESS MAIL LABEL NO: EL 999261882 US
DATE OF DEPOSIT: January 21, 2004

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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Sir:

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL PURSUANT
TO 37 CFR § 1.114**

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the
above-identified application.

1. Submission required under 37 CFR § 1.114

☐

Previously submitted

☐

Consider the amendment(s)/reply under 37 CFR § 1.116 previously
filed on . (Any unentered amendment(s) referred to above will
be entered).

☐

Consider the arguments in the Appeal Brief or Reply Brief previously
filed on .

☐

Other:

☒

Enclosed

01/26/2004 HDEKES1 00000057 09868535

01 FC:1801

770.00 DP

- ☐ Amendment/Reply under 37 CFR § 1.116
- ☐ Affidavit(s)/Declaration(s)
- ☒ Information Disclosure Statement (IDS)
- ☐ Other:

2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed three (3) months; Fee under 37 CFR § 1.17(i) required)

FEE CALCULATION:

				SMALL ENTITY		NOT SMALL ENTITY	
<input checked="" type="checkbox"/> RCE BASIC FILING FEE				\$385.00	\$	\$770.00	\$770.00
	CLAIMS REMAINING AFTER RCE	HIGHEST NO. PAID FOR	EXTRA				
TOTAL CLAIMS	15	(20 MINIMUM)		\$9 EACH	\$	\$18 EACH	\$
INDEP. CLAIMS	1	(3 MINIMUM)		\$43 EACH	\$	\$86 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$145	\$	\$290	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$210	\$	\$420	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$	\$950	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$740	\$	\$1480	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME (May only be taken when filing RCE in lieu of Appeal Brief)				\$1005	\$	\$2010	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
TOTAL FEE DUE					\$		\$770.00

- ☒ A check in the amount of \$770.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of \$ _____.00. This sheet is attached in duplicate.
- ☐ A response to the _____ dated _____ was due on _____. Petition is hereby made under 37 CFR § 1.136(a) to extend the time period for response from _____ to and through _____ comprising an extension of the shortened statutory period of _____ month(s).

- ☐ A Notice of Appeal was filed . . . An Appeal Brief is due on . . . Applicants are filing this Request for Continued Examination in lieu of this Appeal Brief. Petition is hereby made to extend the time period from . . . to . . . and through . . . comprising an extension of the shortened statutory period of . . . month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- ☒ The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: January 21, 2004



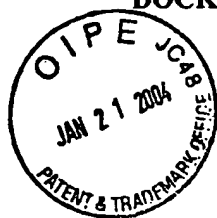
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Alexandria, VA 22313-1450

Dear Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- ☒ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or

before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

☐ In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Certification in Accordance with § 1.97(e) is attached; or

☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

☐ Certification in Accordance with § 1.97(e) is attached;
or

☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).

- ☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith
- ☐ Copies of references listed on the attached Form PTO 1449 are not required to be submitted pursuant to the June 30, 2003 recent revisions to 37 CFR § 1.98(a)(2)(i).

EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☐ In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:
 - ☐ Copies of references [list as appropriate] listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior Application No.

, filed

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Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

There are no listed references which are not in the English language.

Date: 1/21/04



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